

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

YIN POY LOUIE,

Petitioner,

v.

LORETTA E. LYNCH, et al.

Respondent.

Civ. No. 15-6954 (KM)

MEMORANDUM AND ORDER

Petitioner, Yin Poy Louie, is an immigration detainee currently being detained at the Bergen County Jail. He is proceeding through counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Mr. Louie challenges his current immigration detention in his habeas petition.

In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the petition for dismissal and determined that dismissal without an answer and the record is not warranted. The respondent shall specifically address in its response whether the period of time after the Board of Immigration Appeals denied Mr. Louie's appeal on July 18, 2000 until Mr. Louie was placed on an Order of Supervision on April 19, 2001, should be counted as time that Mr. Louie spent in post-order removal immigration detention for purposes of analysis under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

The proper sole respondent in this case is the warden of the Bergen County Jail who is Chris Davies. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004). Therefore, the petition will be dismissed with prejudice as to respondents Loretta E. Lynch, Sarah Saldana, Jeh Johnson,

Michael Saudino and Christopher Shanahan and the Clerk will be ordered to include Chris Davies as a respondent in this action.

Accordingly, IT IS this 30th day of September, 2015,

ORDERED that the Clerk shall include Chris Davies as a respondent in this action; and it is further

ORDERED that the petition is dismissed with prejudice as to respondents Loretta E. Lynch, Sarah Saldana, Jeh Johnson, Michael Saudino and Christopher Shanahan; and it is further

ORDERED that the Clerk shall serve a copy of the petition (Dkt. No. 1.) and this Order upon respondent Davies by regular mail, with all costs of service advanced by the United States; and it is further


ORDERED that the Clerk shall forward a copy of the petition (Dkt. No. 1.) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within thirty (30) days of the date of the entry of this Order, respondent shall file and serve an answer which responds to the allegations and grounds in the petition and which includes all affirmative defenses respondent seeks to invoke; and it is further

ORDERED that respondent shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within thirty (30) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, be it parole or otherwise, respondent shall electronically file a written notice of the same with the Clerk.



KEVIN MCNULTY
United States District Judge